

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER MCSWAIN,

Plaintiff,

v.

Case No. 05-C-1144, 05-C-1145

PHIL KINGSTON, et al.,

Defendants.

ORDER

Plaintiff McSwain, who is incarcerated at the Waupun Correctional Institution, has recently filed three actions in this court, numbered 05-C-1144, 05-C-1145 and 05-C-1169. On November 7, 2005, I ordered the plaintiff to pay an initial partial filing fee ("IPFF") of \$21.00 in each of the first two actions. On November 14, I also ordered the plaintiff to pay an IPFF of \$21.00 in the third action. The IPFF in the third action was received by the clerk's office on November 23, but the fee has not been paid in case numbers 05-C-1144 and 05-C-1145. In the 1145 case, the plaintiff has filed a motion to order the prison business office to pay the fee out of the plaintiff's release account, the order being necessary because in the plaintiff's view the prison is trying to obstruct the lawsuits he has filed. It seems equally likely that there has simply been some confusion over the order to pay three separate fees of \$21.00 each.

In any event, rather than order prison officials to use the prisoner's release account, I will simply reiterate my earlier orders in case numbers 05-C-1144 and 05-C-1145 and give the plaintiff another 21 days in which to pay the IPFF of \$21.00 in *each* of those two cases. The plaintiff thus

owes \$21.00 in case number 05-C-1144 and \$21.00 in case number 05-C-1145, and prison officials
are directed to assist the plaintiff in making these payments out of his prison trust account.

NOW, THEREFORE, IT IS ORDERED that within twenty-one days of the date of this order, the plaintiff shall forward to the clerk of this court the sum of **\$42.00** as an initial partial filing fee in both of the above-captioned actions. Upon payment of the initial partial filing fee, the court will determine whether the actions can continue to proceed. The court will review the complaints to determine that the actions are not frivolous or malicious and that the complaints state a claim upon which relief can be granted. If the complaints do not meet this standard, the actions will be dismissed.

IT IS FURTHER ORDERED that the plaintiff's motion in 05-C-1145 to access his release account is DENIED, and

IT IS FURTHER ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated this 6th day of December, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge